

**EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

OEM SURPLUS, INC.

Plaintiffs/Counter-Defendants,

v.

APPLIED MATERIALS, INC.

Defendant/Counter-Plaintiff.

CIVIL ACTION NO. A06CA051 LY

**JURY TRIAL REQUESTED**

**JOINT STIPULATED MOTION TO DISMISS OF OEM SURPLUS INC. AND APPLIED  
MATERIALS, INC.**

TO THE HONORABLE LEE YEAKEL:

Plaintiff/Counter-Defendant OEM Surplus, Inc. and Defendant/Counter-Plaintiff Applied Materials (collectively, the "Parties") hereby jointly move the Court for an order dismissing with prejudice the claims and causes of action each Party has asserted against the other, with each Party to bear its own costs and attorneys' fees, and in support thereof would respectfully show the Court as follows:

The Parties have reached an agreement, with all matters of fact and things in controversy between them being fully and finally settled. The Parties have agreed that the claims and causes of action asserted each Party has asserted against the other shall be dismissed with prejudice.

WHEREFORE, PREMISE CONSIDERED, the Parties respectfully request that the Court enter an Order consistent with this motion, dismissing the claims and causes of action Applied Materials, Inc. and OEM Surplus, Inc. have asserted against each other in the above-captioned action with prejudice.

Respectfully submitted,

Dated: July 9, 2008

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By: /s/ Alan D Albright

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 9, 2008 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by e-mail.

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**JURY TRIAL REQUESTED**

**ORDER GRANTING JOINT STIPULATED MOTION TO DISMISS OF OEM  
SURPLUS, INC. AND APPLIED MATERIALS, INC.**

Now pending before the Court is the joint motion of Plaintiff/Counter-Defendant OEM Surplus, Inc. and Defendant/Counter-Plaintiff Applied Materials, Inc. (collectively, the "Parties"), seeking dismissal of this action with prejudice. The Court finds that the joint motion of the Parties should be granted.

IT IS THEREFORE ORDERED that the Parties' Joint Stipulated Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the claims and causes of action OEM Surplus, Inc. has asserted against Applied Materials, Inc. in this action shall be and are hereby DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the claims and causes of action Applied Materials, Inc. has asserted against OEM Surplus, Inc. in this action shall be and are hereby DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall bear its own costs and attorneys' fees.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Lee Yeakel  
United States District Judge